

### REMARKS

Applicant has carefully reviewed the Application in light of the Office Action dated March 11, 2008. Claims 1-8, 12-15, and 19-20 are amended as set forth above. Applicant submits that no new matter has been added with the amendments. Applicant respectfully requests reconsideration of the application in accordance with the following remarks.

#### Drawings

Applicant respectfully requests that the examiner indicate that the drawing sheets FIGS. 1-2 filed on October 29, 2003, are acceptable.

#### Title

As requested by the Office Action, Applicant has amended the title to more clearly indicate the subject matter to which the claims are directed. *See* Office Action, p. 2.

#### Abstract

While Applicant submits that the abstract was sufficient, Applicant has amended the abstract in response to the comments of the Office Action. While the general scope and spirit of the abstract remain the same, Applicant submits that the abstract as amended provides more clear and concise language that sufficiently assists readers in deciding whether there is a need to consult the full patent text for details.

#### Section 101 Rejections

The Office Action rejected Claims 1-7 under 35 U.S.C. § 101 as being directed to non-statutory subject matter, since the rejected claims do not recite that the computer program product comprises any computer-readable medium. While Applicant respectfully traverses this rejection, Applicant has amended Claim 1 in accordance with the Office Action's suggested language to recite "a computer program stored on a computer-readable storage medium." The preambles of Claims 2-7 have been amended to correspond to amended Claim 1. Given the subject matter of the preamble, Applicant asserts that the scope of Claims 1-7 remains the same. Accordingly, Applicant requests withdrawal of the 35 U.S.C. § 101 rejection.

### Section 102 Rejections

Claims 1-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,560,604 to Fascenda (“*Fascenda*”). Applicant respectfully traverses these rejections and the assertions and holdings therein because *Fascenda* fails to teach, suggest, or disclose various aspects of the present claims as required by law.<sup>1</sup>

Put simply, *Fascenda*'s comparison of the version identifiers identifies only whether the template versions are identical. The reference does not teach or suggest computing a score comparing the two values by dividing the number of matching characters in the client template by the number of characters in the client identifier string in order to provide a proportional correspondence between the client identifier string and each of the plurality of client templates.<sup>2</sup>

For example, *Fascenda* at least fails to teach, suggest, or disclose the elements of “generating a score for each comparison, the score reflecting the similarity between the client identifier string and the client template, wherein each score is generated by computing a number of matching characters in the client template divided by a number of characters in the client identifier string, and selecting, based on the score, a renderer from the plurality of renderers for use in communication with the client” as recited in Claim 1. (emphasis added). Instead, *Fascenda* teaches comparing a unique identifier defining a client device with a maintained database of unique identifiers to determine whether the client device's identifier identically matches one of the unique identifiers stored in the database. *Fascenda*, 6:13-38. If the client device's unique identifier matches one of the identifiers stored in the database, the client device can be considered valid. *Id.* A determination that no identical match exists can imply that a fraudulent unique identifier is detected. *Id.* In other words, *Fascenda* merely teaches determining whether a stored identifier is an identical match to the client device's unique identifier, not generating a score based on a percentage of matching characters between a client identifier string and a client template as recited in Claim 1.

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<sup>1</sup> A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987); M.P.E.P. § 2131. The identical invention must be shown in as complete detail as is contained in the claim. See *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989).

<sup>2</sup> Still further, *Fascenda* does not teach, suggest, or disclose “selecting, based on the score, a renderer from the plurality of renderers for use in communication with the client” as also recited in Claim 1.

Nor do the cited portions of the references support a rejection in view of the current claim amendments. For example, in rejecting cancelled Claim 3 (now incorporated in independent Claim 1), the Office Action cites *Fascenda* at column 16, lines 1-31. However, this portion of *Fascenda* – like the portion cited above – merely discloses comparing values for determining whether an identical match exists. Specifically, *Fascenda* discloses a method performed by the client device 108 in response to a user request for information from a displayed page. *Id.* at 15:60-62. If an appropriate template associated with the request is not locally available, a request for the template is sent to server 114. *Id.* at 15:62-16:7. The server 114 can identify the client device 108 using a unique client device identifier included in the request. *Id.* at 17:1-5. In some instances, the request may also include a template identifier. *Id.* at 17:6-9. The server 114 determines whether the client device 108 has the most current template by comparing the latest version of the identified template from a server template database 330 to the particular version of the template associated with the client 108. *Id.* at 17:21-26. If the versions are identical, then the user device's 108 template is considered up-to-date. *Id.* If they are not, the server 114 determines the client device 108 does not have the current version and sends the latest version of the template to the client device 108. *Id.*

Accordingly, *Fascenda* fails to teach, suggest, or disclose each and every element recited in example Claim 1. For at least the above reasons, Applicant respectfully requests withdrawal of the § 102 rejection, as well as reconsideration and allowance of Claim 1 and its dependent claims.

Further, independent Claims 8 and 15 recite certain elements similar to those of Claim 1. For at least reasons analogous to those discussed with regard to Claim 1, independent Claims 8 and 15, as well as their dependents, are also allowable over *Fascenda*.

CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

No fees are believed to be due at this time. If any extension of time is required, Applicant hereby requests the appropriate extension of time. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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